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TO RUEHC/SECSTATE WASHDC PRIORITY 5144  
INFO RUEHOO/CHINA POSTS COLLECTIVE PRIORITY  
RUEHBK/AMEMBASSY BANGKOK PRIORITY 9068  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 1504  
RUEHJA/AMEMBASSY JAKARTA PRIORITY 1579  
RUEHML/AMEMBASSY MANILA PRIORITY 2727  
RUEHMO/AMEMBASSY MOSCOW PRIORITY 0360  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 4980  
RUEHUM/AMEMBASSY ULAANBAATAR PRIORITY 0950  
RUEHVK/AMCONSUL VLADIVOSTOK PRIORITY 0001  
RUEHC/SECSTATE WASHDC PRIORITY 5145  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY  
RUEHC/DEPT OF LABOR WASHDC PRIORITY  
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY  
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC PRIORITY

UNCLAS SECTION 01 OF 11 HONG KONG 000817

SIPDIS

SENSITIVE  
SIPDIS

NSC FOR DENNIS WILDER  
DEPT FOR EAP/CM, G/TIP, G, INL, DRL, PRM, IWI, EAP/RSP

E.O. 12958: N/A  
TAGS: [PHUM](#) [PINR](#) [PGOV](#) [HK](#) [CH](#) [KCRM](#) [KWMN](#) [SMIG](#) [KFRD](#)  
ASEC, PREF, ELAB  
SUBJECT: 2006 TRAFFICKING IN PERSONS REPORT: HONG KONG

REF: A. SECSTATE 003836  
[1](#)B. HONG KONG 0216  
[1](#)C. 04 HONG KONG 6213  
[1](#)D. 04 HONG KONG 3675  
[1](#)E. 04 HONG KONG 2840  
[1](#)F. 04 HONG KONG 6987

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[1](#)1. (SBU) Hong Kong is in compliance with the standards described in Ref A for the elimination of trafficking in persons. There has been further improvement over the past year in those areas that have, for the past five years, justified Hong Kong's inclusion on the Department's "Tier 1" list. The Government has made steady improvement in its ability to identify victims, document their cases, and help them find assistance. Hong Kong's efforts to fight trafficking -- as outlined below and in previous reporting -- and its continued efforts to improve in all areas of prevention, prosecution, and protection, place Hong Kong squarely in the category of Tier 1 countries in at least minimum compliance with the standards for the elimination of trafficking in persons. (Refs B, C, D, E, and F)

#### Overview of Trafficking Problem

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[1](#)2. (SBU) An international air, sea and land traffic hub, handling over 50 million travelers and 20 million ocean-going shipping containers annually, located in a migrant-producing region, Hong Kong is -- despite vigorous counter-efforts -- a place through which would-be illegal migrants seek to pass on their way from China and other nations to third countries. In most cases, these migrants transit Hong Kong of their own volition on fraudulent documents that they have purchased. No one knows how many of the intending illegal migrants who transit Hong Kong are trafficked. However, given that these migrants often are assisted in their travel by human

smuggling organizations, and given what is known about the working conditions of most PRC-origin illegal immigrants who reach their destinations in the United States or elsewhere, it is reasonable to suspect that some of these people are "trafficked" in the sense that they are subjected to debt bondage, forced prostitution, and/or forced labor upon arrival in the destination countries. In this sense, the "trafficking" activities can take place largely in the United States or other destination countries.

13. (SBU) Hong Kong's wealthy society is also a destination point for intending migrants, including a relatively small number who may fit the broad definition of "trafficked persons" used for this report. Each year, Hong Kong law enforcement authorities catch several thousand illegal immigrants, many with forged travel documents, attempting to enter or transit Hong Kong. While Hong Kong law enforcement officials are trained to identify trafficking cases, it is possible that a small number of these illegal immigrants are trafficking victims.

14. (SBU) In response to our request for more complete documentation of trafficking cases, Hong Kong authorities in 2004 started to maintain case documentation on suspected trafficked persons, including details of the arrests, processing and sentencing. This year, the Hong Kong Security Bureau provided us with three such documented cases. Case 1: In August 2005, police arrested 18 mainland prostitutes and one mainland male during an anti-vice raid. Four of the prostitutes claimed they were brought to Hong Kong by the male. The male was arrested on suspicion of trafficking in persons but not charged due to lack of evidence. All the prostitutes were repatriated to the mainland. Case 2: In August 2005, police arrested a mainland prostitute on immigration charges during an anti-vice raid. The prostitute

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claimed that a second prostitute had accompanied her to Hong Kong from the mainland and arranged for her prostitution. The second prostitute was arrested, but no charges were filed after the victim refused to testify. The first prostitute was repatriated to the mainland. Case 3: In November 2005, police arrested two prostitutes during an anti-vice raid. The prostitutes claimed that a Chinese female had brought them to Hong Kong for the purpose of prostitution. The Chinese female was arrested and charged with "living off the earning of prostitution" and "aiding and abetting breach of condition of stay." The trial is scheduled for March 2006. The two prostitutes were repatriated to the mainland. Police said that in each of these cases the women entered Hong Kong on their own volition, and that no force, fraud or coercion was reported or suspected.

15. (SBU) Hong Kong authorities also provided us with the details of two other possible trafficking cases where stowaways were apprehended in the U.S. inside shipping containers that were aboard vessels that transited Hong Kong. Case 1: In January 2005, 32 Chinese male stowaways were intercepted at the port of Los Angeles in two containers that had been loaded in Shekou, China. The investigation revealed that the men had remained on board during the vessel's stop in Hong Kong. Case 2: In April 2005, 29 Chinese male stowaways were intercepted at the port of Los Angeles in two containers that had been loaded in Shekou, China. The investigation revealed that the stowaways had remained on board during the vessel's stop in Hong Kong.

16. (SBU) The Security Bureau has also instructed its field offices to carefully document cases in which trafficking is suspected. Though the data provided by the Government are not yet as comprehensive as we might like, by identification and documentation of cases of possible trafficking-related activities, the Government has taken steps to improve its data collection capabilities and increase front-line awareness of possible trafficking activities. Various Hong Kong Government offices, human rights and other NGOs,

academics, and the media often do not agree on what constitutes trafficking; nevertheless, the information available from these sources regarding aspects of possible trafficking and related human smuggling is generally reliable.

¶7. (SBU) No major changes in the direction or magnitude of trafficking have been evident over the last year. Women from mainland China, Southeast Asia, and elsewhere continued to travel to Hong Kong of their own volition to engage in prostitution. Criminal organizations reportedly provided assistance for some of these women to travel from their home countries, enter Hong Kong, and/or establish themselves in the city. The terms of repayment for such "employment assistance" can reportedly be onerous, often more onerous than the women had been led to believe. Living and working conditions also can be problematic, according to NGO and press reports, involving close monitoring )- even imprisonment -- during off hours, crowded boarding arrangements, confiscated identity documents, and long working hours. The authorities investigate reports of such activities promptly. Organizers of prostitution rings, whether or not involving trafficked persons, are prosecuted under laws that criminalize profiting from the proceeds of another person's prostitution.

¶8. (SBU) Some women reportedly come to Hong Kong for legal employment, but find themselves deliberately placed in a situation by their employer that pressures them into turning to prostitution. For example, some women recruited to perform as dancers in nightclubs find it difficult to repay the debts incurred in coming to Hong Kong without supplementing their basic salaries. Although usually not

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coerced into prostitution, many of these women reportedly find it difficult to pursue alternative employment. The Government reports that it rarely encounters cases where visitors were forced to practice prostitution against their will. A 2004 study by a Hong Kong University (HKU) researcher identified 30 cases of forced prostitution that had been reported in the ten-year period from 1990-2000. All of these cases involved women who had been deceived into coming to Hong Kong in the belief that they would be engaging in other types of employment. Over the past five years, the Hong Kong Government has identified an average of 2-3 cases of forced prostitution per year )- a figure roughly consistent with the HKU study. Since 1995, the Hong Kong Government has successfully prosecuted several persons for their involvement in trafficking-related activities.

¶9. (SBU) Visitors to Hong Kong found to be engaged in prostitution are prosecuted for the offense of "breach of condition of stay" under the Immigration Ordinance. All but a couple of these visitors each year are determined to have come to Hong Kong voluntarily and knowingly engaged in illegal prostitution activities. Through heightened awareness and improved documentation in recent years, Hong Kong officials have improved their ability to identify the small number of possible trafficking victims among these illegal immigrants.

¶10. (SBU) The U.S. Consulate in Hong Kong sees two or three cases a year involving attempts to smuggle children to the U.S. through Hong Kong International Airport. These appear to be "family reunification" cases, but we cannot rule out the possibility that some may fit the definition of trafficking in persons. The typical case involves an adult female attempting to transit through Hong Kong from the PRC with a small child, the latter of whom presents a U.S. passport with a photo of an infant, which makes identification impossible. The accompanying adult usually describes herself as an "aunty" and claims she is taking the child back to the U.S. to be reunited with illegal alien parents. The adult often claims the child was sent to live with relatives in China for language and cultural reasons and is now going back to the United States. Because we cannot

positively identify the child, the Hong Kong Government's policy is to send the woman and child back to the PRC. The Hong Kong Immigration Department effectively prohibits transit through Hong Kong without proper identification. In such cases, we advise the adult to return to her local U.S. consulate in the PRC to have the child's identity verified. However, in about a third of these cases (approximately one case per year, on average) the individuals fail to subsequently report to the appropriate consulate. Therefore, in these cases, we do not know if the children involved were being trafficked.

¶11. (SBU) Hong Kong labor and other laws, which provide equal protection to resident and imported workers alike, protect these workers from maltreatment, and they are vigorously enforced. Hong Kong's Employment Ordinance provides that employers who violate contract terms or minimum wage regulations (the latter of which apply only to foreign domestic workers) can be fined and imprisoned. That said, many domestics are afraid to complain, or are unaware of their rights. There have reportedly been several cases in recent years of domestic workers successfully bringing charges against employers for maltreatment, including for physical and sexual abuse. In several of these cases, the employer received prison time for the offense.

¶12. (SBU) Hong Kong maintains effective border and immigration controls. The entire 35-kilometer-long border with mainland China is a closed and guarded area. A

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129-officer Quick Response Force patrols the border fence 24 hours a day using advanced technology equipment. The Customs and Excise Department has stationed 2,400 officers at Hong Kong International Airport, boundary points, major container terminals, and the waters off Hong Kong specifically to combat human smuggling and the transporting of illegal migrants. The sea boundary is policed by the Marine Police, which has a fleet of 151 watercraft. Customs conducts regular harbor and container checks using advanced technology. Every year more than 10,000 cargo containers are inspected. Customs launches patrol Hong Kong waters and intercept suspicious vessels to conduct searches. Immigration officials, in addition to enforcing standard entry and exit regulations, conduct special operations at the airport, patrolling in plain clothes even in transit areas, inspecting travel documents and conducting inquiries and investigations. A Special Investigative Section of the Immigration Department investigates organized migrant trafficking and works closely with mainland China and foreign counterparts. The Government also counters human smuggling through its "watch out" program, which involves a close working relationship with container terminal operators, shipping companies and cargo handlers.

¶13. (SBU) The Government devotes significant resources to combat migrant smuggling and trafficking. Immigration, customs and police departments are all well trained and equipped to detect and investigate trafficking-related criminal activities and arrest the perpetrators. The Government conducts regular training on the use of specialized equipment, such as mobile x-ray vehicle scanning systems, to inspect outbound containers, and facial recognition equipment to help verify the identity of new arrivals.

¶14. (SBU) Hong Kong's Anti-Illegal Migration Agency (AIM) uses professional and sophisticated intelligence analysis mechanisms in concert with local, mainland, and foreign counterparts to counter illegal migration and prevent Hong Kong from being abused as a transit point by human traffickers. The AIM conducts special operations, including document spot-checks, with 61 plain-clothes investigators at Hong Kong International Airport. Many intending illegal immigrants transit Hong Kong using legitimate travel documents to pass Hong Kong's strict controls, but exchange

them during subsequent transit stops prior to arrival at their destinations.

¶15. (SBU) The Organized Crime and Triad Bureau of the Hong Kong Police produces a biannual report on human smuggling for the Joint Investigation Team on Human Smuggling. This report serves as an update on changing tactics used by those engaged in trafficking and smuggling activities. The Government regularly shares information on local trafficking and smuggling patterns with mainland China and foreign law enforcement entities, including the United States.

¶16. (SBU) There is no evidence, or even any allegation, that Government officials facilitate, condone, or are otherwise complicit in trafficking activities. Anti-bribery and anti-corruption laws are strictly and effectively enforced.

¶17. (SBU) Hong Kong is not a significant point of origin for trafficking.

¶18. (SBU) There is no particular limitation on the Government's ability to combat trafficking where Hong Kong is a destination. However, trafficking-related activities that skirt the edge of -- but do not violate -- the law, and victims' desperation, complicity, fear and/or ignorance of their rights make complete elimination of the problem very

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difficult.

Hong Kong's Efforts in Preventing and Combating Trafficking

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¶19. (SBU) The Hong Kong Government recognizes that human smuggling through its territory, some of which could involve trafficking, is a problem that must be addressed. As a busy and convenient sea/air hub, Hong Kong is vulnerable to human trafficking. Prosecutions over the years show a willingness and ability to combat trafficking when it is identified. Hong Kong laws and law enforcement practices provide the authorities the tools to detect and prohibit various aspects of, and criminal behavior related to, trafficking in persons, even as the Government considers the broadened definition of trafficking as still under debate internationally. In the context of significant illegal immigration to and through Hong Kong, authorities are improving their ability to identify those few who may become victims of trafficking.

¶20. (SBU) The Security Bureau has policy responsibility for illegal migration and trafficking in persons and oversees the police, customs and immigration departments, which are responsible for enforcing laws that combat trafficking. Law enforcement agencies liaise and cooperate with mainland China and foreign authorities in facilitating intelligence exchange on forgery and migrant smuggling syndicates and related trends. Hong Kong immigration and police officials regularly participate in international seminars on human smuggling, document fraud, transnational organized crime, and immigration control. Hong Kong authorities actively cooperate with other law enforcement agencies in the region and with Interpol on illegal immigration and trafficking issues. The Government maintains links to the UN High Commissioner for Refugees and the International Organization for Migration, both of which have offices in Hong Kong.

¶21. (SBU) The Joint Investigative Team on Human Smuggling, formed in 1998 to take action against organized human smuggling, coordinates Police, Immigration and Customs Department enforcement efforts and maintains links with industries and with local and international bodies involved in combating human smuggling. The Security Bureau has the lead policy responsibility over human smuggling issues, including trafficking in persons. In addition, the Home Affairs Department, the Labor Department, and other government Departments and Bureaus have responsibility for various aspects of trafficking in persons. The Independent



Commission Against Corruption (ICAC) has since 1974 combated corruption through effective law enforcement, education and prevention in its mission to keep Hong Kong "fair, just, stable, and prosperous."

122. (SBU) Foreign domestic helpers (FDHs) enjoy the same access as localworkers to the Hong Kong Labor Department's conciliation services to arbitrate disputes with employers. As part of an effort to prevent the exploitation of FDHs, the Labor Department publishes "guidebooks" in several languages that explain the rights and benefits of FDHs, legislative provisions guiding the operation of employment agencies, and services provided by the Department. These guidebooks are handed out when workers apply for identity documents, and are distributed at strategic locations around the city, including: the airport, district offices, consulates, offices of labor and migrant groups, post offices and banks. Additionally, short "publicity messages" promoting the employment rights and benefits of FDHs are advertised in local newspapers (in various languages) and on television.

123. (SBU) The Government's commitment to promoting equal opportunity and its policy of free, universal and compulsory

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education through age 15, combine with Hong Kong's high standard of living to eliminate most conditions that would cause Hong Kong to be a source of trafficking in persons. This commitment is reflected in the Sex Discrimination Ordinance and the application of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The Hong Kong Women's Commission has the mission "To enable women in Hong Kong to fully realize their due status, rights and opportunities in all aspects of life." Hong Kong's strong rule of law, entrenched civil liberties, and vigorous law enforcement inhibit traffickers from using Hong Kong as a transit point or as a destination for human trafficking.

#### Investigation and Prosecution of Traffickers

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124. (SBU) Specific provisions in the Immigration Ordinance, the Crimes Ordinance, and other relevant laws enable law enforcement authorities to take action against trafficking in persons. For example, the Crimes Ordinance makes it an offense for a person to take part in "bringing another person into, or taking another person out of, Hong Kong for the purposes of prostitution," regardless of whether the other person consented, knew the purpose, or received any advantage. This offense is punishable by up to 10 years' imprisonment. Additionally, under the Offences Against Persons Ordinance, traffickers who have detained a person against his/her will may be subject to heavier penalties, up to a maximum of life imprisonment -- a penalty comparable to that of rape under the Crimes Ordinance.

125. (SBU) The Organized and Serious Crimes Ordinance provides special powers of investigation of organized crime, deprives criminals of the proceeds of specified offenses, and allows the courts to impose enhanced sentences for specified offenses, which include human smuggling and forgery of travel documents. The Immigration Ordinance enables enforcement and prosecution to prevent Hong Kong from being used as a springboard for smuggling persons to or through Hong Kong. Specific provisions outlaw (and provide for fines and prison sentences as shown) such activities as: arranging passage of unauthorized entrants into Hong Kong (up to \$625,000 (HK\$5 million) and 14 years in prison); assisting unauthorized entrants to remain in Hong Kong (up to \$62,500 (HK\$500,000) and 10 years in prison); carrying an unauthorized entrant on board ship entering Hong Kong (up to \$625,000 (HK\$5 million) and 14 years in prison); using or possessing a forged, false or unlawfully obtained travel document (up to \$18,750 (HK\$150,000) and 14 years in prison); and aiding and abetting any person to use such a document (up to \$18,750 (HK\$150,000))

and 14 years in prison).

¶26. (SBU) Prostitution is legal in Hong Kong, but a wide range of provisions under the Crimes Ordinance target the exploitation of prostitution in any form. Offenses include living off the earnings of the prostitution of others, keeping a vice establishment, leasing premises for use as a vice establishment, permitting premises to be used for prostitution and putting up signs advertising prostitution. The Employment Ordinance provides that any employer who pays less than the salary prescribed in a contract, which salary must not be less than the legal minimum wage in the case of foreign domestic workers, can be fined up to HK\$200,000 (US\$25,000) and imprisoned for up to one year. Traffickers may also be prosecuted for blackmail under the Theft Ordinance (maximum penalty 14 years) or for detaining by fraud or force against a person's will under the Offences Against Persons Ordinance (maximum penalty life imprisonment). Individuals engaging in activities related to trafficking are thus punished under several different laws.

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As indicated in the overview, the Government has started to keep more complete documentation on cases prosecuted or convicted for activities that the Government believes may be related to trafficking.

¶27. (SBU) The Immigration Department's Special Investigation Section and the Police Force's Organized Crime and Triad Bureau are the primary law enforcement units that investigate trafficking activities. During the reporting period, these units conducted a series of simultaneous raids across Hong Kong focused on organized crime syndicates involved in trafficking women for prostitution. The raids came after a 10-month investigation and involved more than 300 uniformed and under-cover officers. Police served 75 warrants on various premises, seizing financial records, bank accounts, and cash. Nine people were arrested, with further arrests expected. Police believe the syndicate was involved in recruiting sex workers from the mainland, arranging their travel and permits, housing them, and collecting a share of their earnings. In 2004, 19 individuals were convicted for arranging/assisting passage of unauthorized entrants to/within Hong Kong with sentences ranging from 2 months to five years.

¶28. (SBU) Hong Kong does not normally prosecute trafficking victims. Women who agreed to act as a witness for the prosecution were as a rule granted immunity and allowed to return to their home country without being charged for illegal entry or breach of condition of stay. The following 2003 case illustrates how the Government typically uses its prosecutorial discretion as a means to identify and eventually prosecute the traffickers: Six Thai females with valid travel documents were permitted to enter Hong Kong and stay as visitors. They were later arrested by the police for breach of condition of stay by working as prostitutes. During the course of the investigation, four of them agreed to act as prosecution witnesses against their handlers. They were later granted immunity by the Department of Justice. After the trial they were repatriated to Thailand. The other two Thai females who refused to give evidence against the handlers were charged with breach of condition of stay. They were sentenced to one week's imprisonment and were repatriated to Thailand after release from prison.

¶29. (SBU) Hong Kong law enforcement agencies cooperate closely, extensively and successfully, and have long done so, with many other law enforcement jurisdictions, including the United States, European states, Australia, Canada and mainland China to combat human smuggling and trafficking. Recent examples of cooperation include: In 2005, Ping Cheng-chui ("Sister Ping") was convicted in New York on human trafficking charges with the help of Hong Kong authorities. Cheng-chui had been extradited to the U.S. from Hong Kong in ¶2003. Another fugitive wanted in the U.S. for offenses

related to human trafficking was extradited in 2004. In February 2004, the U.S. Immigration and Customs Enforcement (ICE) Agency in Los Angeles acting on information from the Hong Kong Organized Crime and Triad Bureau via the Hong Kong ICE office intercepted a shipping container holding 19 mainland Chinese men. A Hong Kong man was arrested in the case and convicted in Hong Kong of "Obtaining Services by Deception" and "Aiding and Abetting in Stowaway" and sentenced to four years and two months in prison. In September 2004, a smuggling syndicate which also engaged in illegal trafficking and production of forged documents was broken up by the Immigration Department in cooperation with the Guangdong Public Security Bureau (GDPSB). In November 2004, the Immigration Department in cooperation with the Japanese Consulate General in Hong Kong mounted an operation against a syndicate that helped Filipinos obtain fraudulent documents to take up illegal employment in Japan.

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¶30. (SBU) Hong Kong has signed thirteen bilateral extradition agreements providing for surrender of fugitives, including for offenses related to trafficking in persons. The U.S.-Hong Kong extradition agreement, in force since January 1998, for example, provides that extradition requests shall be granted for such activities as dealing with trafficking in persons, immigration offenses, and arranging for financial gain the illegal entry of persons. Three individuals suspected of involvement in human trafficking have been extradited to the U.S. in the past four years. There is no bar to extradition of Hong Kong passport holders under these agreements, and several have been extradited to the United States and other countries.

¶31. (SBU) There is no evidence or accusation of government involvement in trafficking at any level.

¶32. (SBU) Under the 1984 Sino-British Joint Declaration, most international treaties extended to Hong Kong as a colony of Britain continued to apply to Hong Kong after reversion on July 1, 1997. Since 1997, new multilateral conventions can only be applied to Hong Kong with the assent of Hong Kong and its new sovereign, the PRC. Thus three of the early international treaties on trafficking, the 1904, 1910 and 1921 Conventions against "white slavery" and trafficking in women and children, apply to Hong Kong (even though not to China). The 1933 and 1949 Conventions do not (as they were not ratified by the UK). The Convention for the Elimination of All Forms of Discrimination against Women has applied to Hong Kong since 1996 (and also applies to the PRC) and the Hong Kong Government submitted its initial report to the CEDAW Committee in October 1998 (through the Chinese central government, which transmitted the report unedited).

¶33. (SBU) Of the general human rights instruments that prohibit slavery, the ICCPR in particular applies to Hong Kong, and the Government submitted its second ICCPR report in ¶2005. The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1957), which in particular prohibits debt bondage, also applies to Hong Kong. The PRC signed the UN Convention against Transnational Organized Crime, but did not sign either of the two related protocols. The HK Government agreed in principle to have the Convention apply to Hong Kong. The ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor was applied to Hong Kong on August 8, 2002, and came into force August 8, 2003. Forced labor conventions ILO29 and 105 have applied to Hong Kong without modification since June 3, 1931 and November 25, 1959, respectively. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children has not been extended to Hong Kong, but the Government's stated policy is to pursue an integrated policy to combat, prevent and punish trafficking in persons effectively. Hong Kong will seek accession to the "Sale of Children Protocol" by extension of



China's future ratification, for which most legislative provisions are already in place. The "Prevention of Child Pornography Bill," which was the final necessary law to comply with the Protocol, became effective in December 2003. The Ordinance prohibits the making, production, distribution, possession and advertising of child pornography, including those on the Internet, as well as procurement of children for making pornography. The Ordinance creates offenses of arranging and advertising child sex tours, and applies extra-territorial effect on certain sexual offenses against children.

#### Protection and Assistance to Victims

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¶34. (SBU) Hong Kong's professional and disciplined law enforcement officers, its highly developed and firmly established rule of law, independent judiciary, active human rights groups, and vigilant press corps contribute to a system in which trafficking victims can receive appropriate protection and assistance. The Social Welfare Department and local NGOs offer an array of social services to victims of trafficking, as well as other categories of persons in need. Government-funded services -- by social welfare agencies and through NGOs -- including welfare and psychological assistance, as well as access to legal and medical services, are available to all trafficking victims. These services are not targeted just toward trafficked persons, but are available to all victims of crimes and vulnerable persons.

¶35. (SBU) Trafficking victims suspected of having committed offenses, such as a breach of condition of stay or using or possessing fraudulent travel documents, are offered food and basic necessities free of charge during their detention. They are also entitled to apply for free legal aid in both civil and criminal cases, as well as free medical treatment as necessary. Recognizance in lieu of detention may be granted to such victims, taking into consideration the circumstances of each individual case. In 2004, about 6,500 illegal immigrants/overstayers referred to detention were released on recognizance pending repatriation. Given that trafficked persons are not always singled-out among other victims, there is no estimate of how many such people were released on recognizance or otherwise assisted by the Government.

¶36. (SBU) The Hong Kong Hospital Authority provides public medical services to trafficking victims, who enjoy the same rights as other patients. The Department of Health operates Female Social Hygiene Clinics, which offer free services to all female sex workers without asking about their legal status in Hong Kong. Four women's refuge centers (three subsidized NGOs and one run by the Social Welfare Department) serve victims of violence, abuse or exploitation, including trafficking victims. These centers provide temporary free accommodations and counseling. Refugee Center records indicate that trafficking cases (either self-identified or otherwise) seeking assistance are rare.

¶37. (SBU) In addition, the Government-funded Family Crisis Support Center provides 24-hour support for victims, including trafficking victims. The Center offers counseling, a resource center, hotline service and referrals to community groups. To date, no trafficking victims have sought this service.

¶38. (SBU) For vulnerable witnesses and victims of child abuse, the Social Welfare Department carries out joint investigations with the police according to a set of handling guidelines in place. Clinical psychologists are involved whenever necessary. The Social Welfare Department has had in place a Witness Support Program for vulnerable witnesses since 1996. This program provides practical assistance and emotional support to reduce the fear and anxiety of the

vulnerable witnesses during court proceedings. The Witness Support program allows child victims of trafficking to give evidence through recorded video interviews or by live television link. A woman who agrees to testify as a witness for the prosecution of a trafficker is as a rule granted immunity from prosecution herself; other forms of cooperation may be also taken into account in mitigation of any sentence she might receive. Hong Kong's criminal Procedure Ordinance provides special procedures designed to protect vulnerable witnesses, including victims of trafficking.

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139. (SBU) Trafficking victims also have access to the Hong Kong office of the UN High Commissioner for Refugees and of the International Organization for Migration, as well as local consulates. With a growing array of social services available to those who are confirmed victims of trafficking, the Government's mounting ability to identify trafficked persons will increase the likelihood that possible trafficking victims receive appropriate assistance. Illegal migrants are regularly arrested and prosecuted for illegal entry or stay in Hong Kong, use of forged documents, and the like. If convicted, the individuals will be deported after they serve their sentence. Prostitutes are usually arrested and prosecuted for breach of condition of stay and/or overstaying their visa (since prostitution is technically legal in Hong Kong). Over the past year, authorities have taken steps to raise the awareness of front-line officers to trafficking in persons.

140. (SBU) The Security Bureau has directed field offices to more carefully document cases and be more vigilant in their identification of possible trafficking victims. This will facilitate the Government's efforts to extend assistance to these victims. In most cases of possible victims of trafficking for forced prostitution the practice has been to return them home without charging them with an offense. The Government does not fund the trip home. However, the law allows the Government to consider, before making its decision to deport, whether a person would be jeopardized in the country to which he/she is to be removed.

141. (SBU) The Government provides training to its police officers in the handling of vulnerable witnesses and victims. A special unit within the Police Force is responsible for protection of vulnerable witnesses and victims. Government social workers are trained to handle the trauma and psychological needs of all victims, including trafficked persons. These social workers regularly take part in joint training with police officers on handling vulnerable witnesses and victims.

142. (SBU) Various NGOs involved in the promotion of the rights of foreign domestic workers and/or sex workers in Hong Kong have demonstrated a willingness to work with trafficking victims. These organizations accommodate and support victims in need. NGOs such as Action for Reach Out and Zi Teng provide assistance and support to sex workers. Both groups told us they have encountered no trafficking victims in the past year. Zi Teng also produces research reports highlighting the special concerns of sex workers in the region and consults with the Government to explore solutions to the problems of sex workers. The Asian Migrants Coordinating Body; the Association of Indonesian Migrant Workers; and other organizations also provide assistance and support services to migrant workers in Hong Kong.

143. (SBU) In the case of foreign domestic helpers (FDH), the Labor Department (LD) encourages victims of employers violating contract or minimum wage regulations to come forward to assist prosecutors and, if necessary, to serve as prosecution witnesses. The LD attaches great importance to protecting the rights and benefits of FDH's. Should conciliation fail, an FDH can seek adjudication with the Labor Tribunal or the Minor Employment Claims Adjudication

Board (MECAB), depending on the claim amount, like employees in other professions. To step up prosecution action against breaches of the Employment Ordinance, including underpayment of wages, the LD set up the Employment Claims Investigation Unit to investigate wage offense complaints from both local workers and FDH's. The LD publishes a leaflet in six languages for FDH's reference on criminal proceedings and to encourage them to come forward as prosecution witnesses. The

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LD provides a 24-hour telephone enquiry service for FDH's to call for information about available government services and assistance.

¶44. (U) Post point of contact is poloff Donald Conner, Tel. (852)2841-2139, Fax (852)2526-7382; unclass email: connerdl@state.gov.

Hours required to do the report:

FS4 - 26

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Cunningham